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Also admitted in Massachusetts

October 5, 2022

BY HAND DELIVERY & ELECTRONIC MAIL

Luly E. Massaro, Commission Clerk
Rhode Island Public Utilities Commission
89 Jefferson Boulevard
Warwick, RI 02888

**RE: Docket 2022-20-NG – 2022 Gas Cost Recovery Filing
Responses to Division Data Requests – Set 3**

Dear Ms. Massaro:

I have enclosed The Narragansett Electric Company d/b/a Rhode Island Energy's ("Rhode Island Energy" or the "Company") supplemental response to the Rhode Island Division of Public Utilities and Carriers' ("Division") Data Request 3-3 from its Third Set of Data Requests in the above-referenced matter.

Supplemental Attachment Division 3-3(a) contains confidential gas pricing. Therefore, the Company has provided redacted and confidential versions of this attachment and has requested confidential treatment pursuant to R.I. Gen. Laws § 38-2-2(4)(B) and Rule 810-RICR-00-00-1.3(H) of the PUC's Rules of Practice and Procedure. The Company has also provided a confidential version of the attachment to the Division pursuant to a non-disclosure agreement.

Thank you for your attention to this matter. If you have any questions, please contact me at 401-709-3359.

Very truly yours,



Steven J. Boyajian

cc: Docket No. 22-20-NG Service List
Al Mancini, Division (w/confidential versions)
Jerome D. Mierzwa, Division Consultant (w/confidential versions)

STATE OF RHODE ISLAND

RHODE ISLAND PUBLIC UTILITIES COMMISSION

_____)	
Annual Gas Cost Recovery Filing)	Docket No. 22-20-NG
2022)	
_____)	

**MOTION OF THE NARRAGANSETT ELECTRIC
COMPANY D/B/A RHODE ISLAND ENERGY FOR PROTECTIVE
TREATMENT OF CONFIDENTIAL INFORMATION**

Rhode Island Energy¹ respectfully requests that the Rhode Island Public Utilities Commission (PUC) grant protection from public disclosure certain confidential, competitively sensitive, and proprietary information submitted in this proceeding, as permitted by 810-RICR-00-00-1.3(H) (Rule 1.3(H)) of the PUC’s Rules of Practice and Procedure and R.I. Gen. Laws § 38-2-2(4)(B). The Company also respectfully requests that, pending entry of that finding, the PUC preliminarily grant the Company’s request for confidential treatment pursuant to Rule 1.3(H)(2).

I. BACKGROUND

On October 5, 2022, the Company filed its Supplemental Response to the Rhode Island Division of Public Utilities and Carriers’ (“Division”) Data Request 3-3. Supplemental Attachment Division 3-3(a) contains commercially sensitive gas cost pricing information. Therefore, Rhode Island Energy requests that, pursuant to Rule 1.3(H), the PUC afford confidential treatment to the gas cost pricing information contained in Supplemental Attachment Division 3-3(a).

¹ The Narragansett Electric Company d/b/a Rhode Island Energy (“Rhode Island Energy” or the “Company”).

II. LEGAL STANDARD

Rule 1.3(H) of the PUC's Rules of Practice and Procedure provides that access to public records shall be granted in accordance with the Access to Public Records Act (APRA), R.I. Gen. Laws § 38-2-1, *et seq.* Under APRA, all documents and materials submitted in connection with the transaction of official business by an agency is deemed to be a "public record," unless the information contained in such documents and materials falls within one of the exceptions specifically identified in R.I. Gen. Laws § 38-2-2(4). To the extent that information provided to the PUC falls within one of the designated exceptions to the public records law, the PUC has the authority under the terms of APRA to deem such information as confidential and to protect that information from public disclosure.

In that regard, R.I. Gen. Laws § 38-2-2(4)(B) provides that the following types of records shall not be deemed public:

Trade secrets and commercial or financial information obtained from a person, firm, or corporation which is of a privileged or confidential nature.

The Rhode Island Supreme Court has held that this confidential information exemption applies where the disclosure of information would be likely either (1) to impair the government's ability to obtain necessary information in the future; or (2) to cause substantial harm to the competitive position of the person from whom the information was obtained. *Providence Journal Company v. Convention Center Authority*, 774 A.2d 40 (R.I. 2001).

The first prong of the test is satisfied when information is provided to the governmental agency and that information is of a kind that would customarily not be released to the public by the person from whom it was obtained. *Providence Journal*, 774 A.2d at 47.

III. BASIS FOR CONFIDENTIALITY

The gas cost pricing information is confidential and privileged information of the type that Rhode Island Energy would not ordinarily make public. *See Providence Journal*, 774 A.2d at 47. As such, the information should be protected from public disclosure. Public disclosure of such information could impair Rhode Island Energy's ability to obtain advantageous commodity pricing or other advantageous contract terms in the future, thereby causing substantial competitive harm to the detriment of the Company and its customers.

IV. CONCLUSION

For the foregoing reasons, Rhode Island Energy respectfully requests that the PUC grant its Motion for Protective Treatment of Confidential Information.

Respectfully submitted,

**THE NARRAGANSETT ELECTRIC
COMPANY d/b/a RHODE ISLAND ENERGY**

By its attorneys,



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-and-



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Dated: October 5, 2022

Certificate of Service

I hereby certify that a copy of the cover letter and any materials accompanying this certificate was electronically transmitted to the individuals listed below.

Brenda L. Vucci

October 5, 2022

Brenda L. Vucci

**Docket No. 22-20-NG – The Narragansett Electric Co. d/b/a Rhode Island Energy – 2022 Annual Gas Cost Recovery Filing (GCR)
Service List as of 10/5/22**

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James Crowley, Esq. Conservation Law Foundation	jcrowley@clf.org ;	

Division 3-3 (Supplemental)

Request:

Reference the Gas Supply Panel Testimony, page 15, lines 4-10.

- a. Please identify the costs associated with items 1–5 by component. Include supporting calculations;
- b. Please identify the MDQ for items 1, 3, 4 and 5;
- c. Please provide a copy of the contracts for items 1 and 4, and the transaction confirmation/Exhibit A for item 3. If already provided, please identify the source document and the name of the counter-party for items 1 and 4;
- d. Please provide a detailed explanation as to how the Company determined that these five resources would be used to meet design hour demands; and
- e. Please explain whether item 1 is reflected in Exhibit 16, page 1, of the Gas Long-Range Resource and Requirements Plan filed in Docket No. 22-06-NG.

Original Response:

- a. The costs associated with items 1-5 by component are included in Attachment GSP-1 in the Company's direct testimony.
- b. The MDQ for items 1, 3, 4, and 5, are as follows:

Item	MDQ
(1) Portable LNG	N/A
(3) Citygate delivered arrangement on Algonquin	14,100 Dth
(4) LNG Trucking	26,600 Dth
(5) Algonquin, receipt point Beverly, MA	5,000 Dth

- c. The Company has previously provided agreements for portable LNG services at both Old Mill Lane and Cumberland with Stabilis Energy (Item 1) as well as the citygate delivered arrangement on Algonquin with Constellation LNG, LLC (Item 3). Please see Attachment Division 3-3 for copies of these agreements. These agreements contain confidential pricing information; therefore, the Company is providing confidential and redacted versions of the agreements, subject to a Motion for Protective Treatment. The Company currently has an outstanding request for proposals for LNG trucking for winter 22/23 and expect to award this solicitation and enter into a firm trucking contract as a result for this period.
- d. The Company assigned Portable LNG supplies and associated trucking costs, a portion of the Company's transportation contract on Tennessee for 25,000 Dth having receipts

Division 3-3, Page 2

within the pipeline’s Zone 6 market area (Dracut f/k/a Everett), citygate delivered supply arrangement on Algonquin, and the Company’s transportation contract on Algonquin with a receipt point of Beverly, MA to peak hour as they are the most recent additions to the gas supply portfolio and the need for these resources was driven by the Company’s peak hour needs.

- e. Item 1, Portable LNG, is reflected in Exhibit 16, page 1, of Docket No. 22-06-NG on the lines titled “LNG for Portables and Refill”.

Supplemental Response:

- a. The Hourly Peaking Fixed Cost table, Attachment GSP-1 page 12 of 17, displays the costs associated with items 1-5 in the Gas Supply Panel Testimony, page 15, lines 4-10. The tables below and Attachment DIV 3-3(a) outline the calculations in detail. Attachment DIV 3-3(a) contains confidential gas pricing information. Therefore, the Company is providing the confidential Excel file subject to a motion for protective treatment along with a redacted public .pdf version.

Transportation Fixed Costs:

Portable LNG	Total Demand charge for portable LNG services from Stabilis Energy at Old Mill Lane and Cumberland divided by service period.
Beverly	Algonquin monthly pipeline demand charge multiplied by the MDQ.
Dracut f/k/a Everett	Tennessee monthly pipeline demand charge multiplied by the MDQ.

Supplier Fixed Costs:

AGT Citygate	Total Demand charge from Constellation LNG divided by delivery period.
Winter Liquid	Demand charge multiplied by the total Winter Liquid volume needed for Portable LNG, 69,350 Dth, then divided by the delivery period.
Beverly Supply Deal	Fixed Cost from the supplier multiplied by the MSQ, then divided by the delivery period.
Dracut f/k/a Everett	Fixed Cost from the supplier multiplied by the MSQ, then divided by the delivery period.

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- b. The MDQ for items 1, 3, 4, and 5, are as follows:

Item	MDQ
(1) Portable LNG	N/A
(3) Citygate delivered arrangement on Algonquin	14,100 Dth
(4) LNG Trucking	26,600 Dth
(5) Algonquin, receipt point Beverly, MA	5,000 Dth

- c. The Company has previously provided agreements for portable LNG services at both Old Mill Lane and Cumberland with Stabilis Energy (Item 1) as well as the citygate delivered arrangement on Algonquin with Constellation LNG, LLC (Item 3). Copies of these agreements are provided hereto as Attachment Division 3-3. The Company currently has an outstanding request for proposals for LNG trucking for winter 22/23 and expect to award this solicitation and enter into a firm trucking contract as a result for this period.
- d. The Company assigned Portable LNG supplies and associated trucking costs, a portion of the Company's transportation contract on Tennessee for 25,000 Dth having receipts within the pipeline's Zone 6 market area (Dracut f/k/a Everett), citygate delivered supply arrangement on Algonquin, and the Company's transportation contract on Algonquin with a receipt point of Beverly, MA to peak hour as they are the most recent additions to the gas supply portfolio and the need for these resources was driven by the Company's peak hour needs.
- e. Item 1, Portable LNG, is reflected in Exhibit 16, page 1, of Docket No. 22-06-NG on the lines titled "LNG for Portables and Refill".

